

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE; DIVIDING THE EXECUTIVE BRANCH OF THE CITY AND COUNTY OF HONOLULU INTO AGENCIES UNDER THE MAYOR; PRESCRIBING ADMINISTRATIVE POLICY AND PROCEDURE; AND PRESCRIBING THE FUNCTION AND DUTIES OF ADMINISTRATIVE UNITS AND OFFICIALS OF THE GOVERNMENT.

BE IT ORDAINED by the People of the City and County of Honolulu:

CHAPTER 1.

INTRODUCTORY PROVISIONS

Article I

SECTION 1-1.1. Short Title. This Ordinance shall be known and may be cited as the "Administrative Code of the City and County of Honolulu."

Article II

Definitions.

SECTION 1-2.1.

(a) The term "agency" shall mean any office, department, board, commission or other governmental unit of the city.

(b) The term "executive agency" shall mean any agency of the executive branch of the city government, excluding the board of water supply.

(c) The term "employee" shall mean any person, except an officer, employed by the city or any agency thereof but the term shall not include an independent contractor.

(d) The term "officer" shall include the following:

1. Mayor, members of the council, managing director, budget director, and the director of information and complaint.
2. Any person appointed as administrative head of any agency of the city or as a member of any board or commission provided for in this charter.
3. Any person appointed by a board or commission as the administrative head of such agency.
4. The first deputy or a division chief appointed by the administrative head of any agency of the city.
5. Deputies of the corporation counsel and the prosecuting attorney.

(e) The term "city" shall mean the City and County of Honolulu.

(f) The term "council" shall mean the Council of the City and County of Honolulu.

(g) The term "charter" shall mean Act 261, S.L.H. 1959, (Charter for the City and County of Honolulu).

(h) The term "persons" shall include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations, or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

CHAPTER 2.

OFFICE OF THE MAYOR

Article 1.

Mayor

SECTION 2-1.1. Election and Term of Office.

Except for the filling of a vacancy in the office of the mayor as provided by § 5-108 of the charter, the electors of the city shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following his election.

SECTION 2-1.2. Powers, Duties and Functions.

The mayor shall be the chief executive officer of the city. He shall have the power to:

- (a) Except as otherwise provided, exercise direct supervision over all agencies enumerated in this chapter and other agencies as he may deem desirable and through the managing director exercise supervision over all other executive agencies of the city. He shall provide for the coordination of all administrative activities and see that they are honestly, efficiently and lawfully conducted.
- (b) Appoint the necessary staff for which appropriations have been made by the council.
- (c) Create or abolish positions, but a monthly report of such actions shall be made to the council.
- (d) Make temporary transfers of positions between departments or between subdivisions of departments.
- (e) Appoint a personal representative who shall, subject to his direction, perform such ceremonial functions of the mayor's office and such other duties as he may designate.
- (f) Submit an operating budget, a capital program and a capital budget annually to the council for its consideration and adoption.
- (g) Sign instruments requiring execution by the city except those which the director of finance or other officer is authorized by the charter, ordinance or resolution to sign.
- (h) Present messages or information to the council which in his opinion are necessary or expedient.
- (i) In addition to his annual report to the people, to make periodic reports informing the public as to city policies, programs and operations.
- (j) Call special sessions of the council.
- (k) Veto ordinances, and resolutions authorizing proceedings in eminent domain.
- (l) Have a voice but no vote in the proceedings of all boards provided for by the charter or by ordinance.
- (m) Enforce the provisions of the charter, the ordinances of the city and all applicable laws.
- (n) Exercise such other powers and perform such other duties as may be prescribed by the charter or by ordinance.

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Article 2.

Managing Director

SECTION 2-2.1. Appointment and Removal.

There shall be a managing director who shall be appointed and may be removed by the mayor. He shall be the principal management aide of the mayor. The position of the managing director shall be in the office of the mayor.

SECTION 2-2.2. Powers, Duties and Functions.

The managing director shall:

(a) Supervise the heads of all executive agencies except the agencies under the direct supervision of the mayor.

(b) Inform himself and keep the mayor advised concerning the operations of all agencies under his supervision, and make, or cause to be made, investigations and studies of the internal organization and procedures of any such executive agency and may require such reports from any of them as he deems necessary.

(c) Prescribe standards of administrative practice to be followed by all executive agencies under his supervision.

(d) Attend meetings of the council or of any board or committee when requested by the mayor.

(e) Attend meetings of the council and its committees upon request and make available such information as they may require.

(f) Perform all other duties required of him by the charter or assigned to him in writing by the mayor.

Article 3.

Budget Director

SECTION 2-3.1. Appointment and Removal.

There shall be a budget director who shall be appointed and may be removed by the mayor. The position of the budget director shall be in the office of the mayor.

SECTION 2-3.2. Powers, Duties and Functions.

The budget director shall:

(a) Prepare the annual operating budget and ordinance under the direction of the mayor.

(b) Prepare the annual capital budget ordinance under the direction of the mayor.

(c) Review departmental work program schedules and make budgetary allotments for their accomplishment with the approval of the mayor.

(d) Review all requests for the creation of new positions and make recommendations thereon to the mayor.

(e) Analyze the performance of each agency and make quarterly reports to the mayor and the council on the extent to and the efficiency with which the work program of each agency has been accomplished.

(f) Study city and departmental operations and make recommendations to the mayor for the improved efficiency and economy of such operations.

Article 4.

Director of Information and Complaint

SECTION 2-4.1. Appointment and Removal.

There shall be in the office of the mayor an office of information and complaint whose head shall be called the director of information and complaint and he shall be appointed and may be removed by the mayor.

SECTION 2-4.2. Powers, Duties and Functions.

The director of information and complaint shall receive complaints and inquiries concerning city policies, programs and operations and promptly answer such complaints or inquiries.

Article 5.

Municipal Reference Library

SECTION 2-5.1. Organization.

There shall be a municipal reference library headed by a municipal librarian who shall be appointed and may be removed by the mayor. The municipal reference library shall be in the office of the mayor.

SECTION 2-5.2. Duties and Functions.

It shall be the duty of the municipal librarian to obtain a collection of data on municipal affairs, to catalogue such collections, and to make available to any officer or employee of the city government information on any subject desired.

Article 6.

Safety Program Administrator

SECTION 2-6.1. Appointment and Removal.

There shall be a safety program administrator who shall be appointed and may be removed by the mayor. He shall be a member of the office of the mayor.

SECTION 2-6.2. Duties and Functions.

The safety program administrator shall work under the direction of the managing director and in cooperation with the various department heads to establish a practical safety program for all agencies of the City and County of Honolulu.

CHAPTER 3.

Article 1.

Executive Agencies

SECTION 3-1.1. Organization.

The executive branch of the city shall be divided into the following agencies:

(a) Departments and heads thereof under direct supervision of the mayor:

Corporation Counsel.....	Corporation Counsel
Department of Finance.....	Director of Finance
Planning Department.....	Planning Director
Department of Civil Service.....	Director of Civil Service

(b) Departments and heads thereof under the direct supervision of the managing director:

Department of Public Works.....	Chief Engineer
Building Department.....	Building Superintendent
Department of Health.....	City and County Physician
Fire Department.....	Fire Chief
Department of Traffic.....	Traffic Engineer
Department of Parks and Recreation.....	Director of Parks and Recreation
Prosecuting Attorney.....	Prosecuting Attorney
Police Department.....	Chief of Police

(c) Other agencies and administrative heads thereof, and miscellaneous personnel under the direct supervision of the managing director unless expressly excepted therefrom.

Royal Hawaiian Band.....	Bandmaster
Oahu Civil Defense Agency.....	Deputy Director (Oahu Civil Defense Administrator)
Board of Water Supply.....	Manager and Chief Engineer
Honolulu Redevelopment Agency.....	Honolulu Redevelopment Manager
Medical Examiner.....	Medical Examiner
Office of Urban Renewal Coordinator.....	Urban Renewal Coordinator
Rent Control Commission.....	Rent Control Commission (Rent Control Director)
Oahu Committee on Children and Youth.....	Chairman
Poundmasters.....	Poundmasters
District Court Personnel.....	Chief Magistrate
Public School Custodian Service Personnel.....	State Department of Education

CHAPTER 4.

Article 1.

General Duties and Powers

SECTION 4-1.1. Officers.

Each officer shall perform all duties required of his office by State law, the Charter, this Code, and Ordinances of the City and County of Honolulu, and such other duties not in conflict therewith as may be required by the mayor.

SECTION 4-1.2. Appointment and Removal of Officers and Employees.

(a) Department heads may appoint the necessary staff for which appropriations have been made by the council.

(b) No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied that the person to be appointed is fully qualified by experience and ability to perform the duties of his office or position.

SECTION 4-1.3. Powers and Duties of Heads of Executive Agencies.

(a) Subject to the provisions of the charter, this code and applicable regulations adopted thereunder, the heads of the executive agencies of city government shall have the power and duty to take all personnel actions.

(b) Each head of an executive agency of city government may assign and reassign duties to employees and supervise the performance thereof.

(c) Subject to approval of the managing director, each head of an executive agency of city government may prescribe such rules as are necessary for the organization and internal administration of the respective executive agencies.

(d) Regulations affecting the public as may be necessary to the performance of the functions assigned to executive agencies may be issued as authorized by the charter or by ordinance. Such regulations after public notice and public hearing and upon approval by the mayor, shall have the force and effect of law. Each head of an executive agency shall file in the office of the city clerk not less than three copies of such regulations. The regulations may be amended or repealed by the same process required for original promulgation.

(e) Each head of an executive agency shall perform such duties, not inconsistent with the duties of his office, as may be assigned by the mayor.

SECTION 4-1.4. Reports.

Not later than ninety days after the close of the fiscal year, each agency of the city shall make an annual written report of its activities to the mayor in such form and under such rules as the mayor may prescribe. Each agency shall submit such other reports as may be requested by the mayor.

SECTION 4-1.5. Inaugurate Sound Practices.

The heads of all executive agencies shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the mayor and managing director, such new practices as appear to be of benefit to the service and to the public.

SECTION 4-1.6. Records.

The heads of all agencies shall establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control and audit of agency activities and to form a basis for the periodic reports to the mayor.

SECTION 4-1.7. Cooperation with Other Agencies.

In the performance of its functions, each agency of the city shall cooperate with private agencies and with agencies of the governments of the United States, the State and any other state and with any of their political subdivisions having similar functions.

SECTION 4-1.8. Acts by Subordinate Officer.

When any provision herein requires an act to be done by an agency head, he may direct a subordinate to perform said act.

SECTION 4-1.9. Acting Agency Head.

An agency head may appoint, except when otherwise provided, with the approval of the mayor, an officer or employee in his department, to serve as acting agency head during the agency head's illness, incapacity or temporary absence from the city or whenever the position of the agency head becomes vacant for any reason whatsoever, and as acting head he shall execute

all the powers and duties of the agency head; provided, however, that he shall serve as acting head without additional compensation. If there is no duly appointed acting head, the mayor may appoint any officer or employee in the agency to serve as acting head of the agency.

CHAPTER 5.

DEPARTMENTS AND HEADS THEREOF UNDER DIRECT SUPERVISION OF THE MAYOR

Article 1.

Corporation Counsel

SECTION 5-1.1. Appointment and Removal.

There shall be a corporation counsel who shall be appointed by the mayor, with the approval of the council, and who may be removed by the mayor.

SECTION 5-1.2. Powers, Duties and Functions.

The corporation counsel shall:

(a) Render legal advice. Be the chief legal adviser and legal representative of all agencies including the council and of all officers and employees in matters relating to their official powers and duties and he shall represent the city in all legal proceedings.

(b) Prepare Ordinances. Prepare bills for enactment into ordinances or amendments of ordinances when so requested by the council or any committee or member thereof or the mayor or any city officer.

(c) Council Meetings. Attend all council meetings in their entirety for the purpose of giving the council any legal advice requested by its members.

(d) Prepare Legal Instruments. Prepare for execution and approve, as to form and legality, all contracts and instruments to which the city is a party and also approve, as to form and legality, all bonds required to be submitted to the city.

(e) Settlement of Claims. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the city or in which the city is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment in excess of \$500.00, provided the money to settle claims generally has been appropriated and is available therefor.

(f) Make Reports.

1. Report of decision. Report the outcome of any litigation in which the city has an interest to the mayor and council.

2. Annual report of pending litigation. Make an annual report, to the mayor and council, as of the 15th day of January, of all pending litigation in which the city has an interest, and the status thereof.

(g) Workmen's Compensation. Investigate all cases in which workmen's compensation is involved and shall appear on behalf of the city before the State Workmen's Compensation Board.

(h) **Keep Records.**

1. **Suits.** Keep a complete record of all suits in which the city had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending.
2. **Opinions and titles.** Keep a complete record of all written opinions furnished by him.

(i) **Deputies.** The corporation counsel may appoint deputies and such other legal assistants, investigators, clerks, stenographers and other assistants, as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the council.

Article 2.

Department of Finance

SECTION 5-2.1. Organization.

There shall be a department of finance headed by a director of finance who shall be appointed and may be removed by the mayor.

SECTION 5-2.2. Powers, Duties and Functions.

The director of finance shall be the chief accounting officer of the city and shall:

- (a) Prepare bills for the collection of money due the city, or authorize the preparation thereof by other executive agencies of the city government, under his general supervision.
- (b) Collect and receive moneys due to or receivable by the city and issue receipts therefor, or authorize other executive agencies to do so under conditions prescribed by him.
- (c) Keep accurate and complete accounts of receipts and disbursements.
- (d) Maintain the treasury and with the approval of the mayor deposit moneys belonging to the city in depositories authorized by law which fulfill all conditions prescribed for them by law.
- (e) Contract for services of independent contractors, purchase materials, supplies and equipment, and permit disbursements to be made only pursuant to the terms of the charter.
- (f) Have the responsibility of issuing and selling, paying interest on and redeeming bonds of the city.
- (g) Prepare and issue warrants.
- (h) Prepare payrolls and pension rolls.
- (i) Be responsible for the management of city funds.
- (j) Sell real property upon which improvement assessments are not paid within the period prescribed, and dispose of movable property not needed by any agency of the city pursuant to policies established by the council.
- (k) Rent or lease city property except property controlled by the board of water supply, and award concessions, pursuant to policies established by the council.

(l) Prepare and maintain a perpetual inventory of all lands owned or controlled by the city and materials and supplies in central city storerooms.

(m) Review assessment rolls for assessable public improvements prior to approval by the council and issue bills therefor after such approval has been given.

(n) Have custody of all official bonds, except the bond of the director of finance, which shall be in the custody of the mayor.

(o) Review the manner in which public funds are received and expended and report to the mayor on the integrity with which said funds are accounted for and on the financial responsibility of officers and employees administering said funds. Provide information pertaining to the financial affairs of the city, and make financial reports at least quarterly to the mayor and the council.

SECTION 5-2.3. Pension Board of the City and County of Honolulu.

The organization and the duties and functions of the pension board of the City and County of Honolulu shall be as provided by law, except that the board shall be attached to the department of finance and the director of finance shall ex officio be the secretary and treasurer of the board.

SECTION 5-2.4. Board of Trustees of the Policemen, Firemen and Bandsmen Pension Fund.

The organization and the duties and functions of the board of trustees of the policemen, firemen and bandsmen pension fund of the City and County of Honolulu shall be as provided by law, except that the board shall be attached to the department of finance and the director of finance shall ex officio be the secretary and treasurer of the board.

SECTION 5-2.5. Powers, when effective.

The powers of the finance director set forth herein shall become effective upon approval of this ordinance, except, however, those powers enumerated in § 5-2.2(f), (g), (h), (j), (n), and (o), herein, which shall become effective on January 1, 1961.

Article 3.

Planning Department

SECTION 5-3.1. Organization.

There shall be a planning department, consisting of a planning director, a planning commission, a zoning board of appeals and the necessary staff.

SECTION 5-3.2. Planning Director.

The planning director shall be appointed by the mayor, with the approval of the council, and may be removed by the mayor. He shall be the administrative head of the department.

SECTION 5-3.3. Powers, Duties and Functions of the Planning Director.

The planning director shall:

(a) Prepare a general plan and development plans for the improvement and development of the city.

(b) Prepare an ordinance governing the subdivision of lands within the city.

(c) Prepare zoning ordinances, zoning maps and regulations, and any amendments or modifications thereto.

(d) Consolidate the lists of proposed capital improvements contemplated by the several departments in the order of their priority.

(e) Be charged with the administration of the subdivision and zoning ordinances and regulations adopted thereunder.

(f) Advise the mayor and council on matters concerning the planning programs.

SECTION 5-3.4. Planning Commission.

The planning commission shall consist of seven members. They shall be persons who are in sympathy with and who believe in the principles of sound city planning. The managing director and the budget director of the city shall be members ex officio of the commission and shall have the right to vote. Five other members shall be appointed by the mayor with the approval of the council for staggered terms of five years, and they shall serve until their successors have been appointed and qualified. Of the members originally appointed one shall serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The commission shall annually select an appointed member as chairman. The affirmative vote of the majority of the membership shall be necessary to take any action.

SECTION 5-3.5. Powers, Duties and Functions of the Planning Commission.

The planning commission shall:

(a) Advise the mayor, council and planning director in matters concerning the planning programs.

(b) Review the general plan and development plans and modifications thereof developed by the director. The commission shall transmit such plans with its recommendations thereon through the mayor to the council for its consideration and action. The commission shall recommend approval in whole or in part, and with or without modifications or recommend rejection of such plans.

(c) Review land subdivision and zoning ordinances and amendments thereto developed by the director. The commission shall transmit such ordinances with its recommendations thereon through the mayor to the council for its consideration and action. The commission shall recommend approval in whole or in part and with or without modifications or recommend rejection of such ordinances.

(d) Adopt regulations having the force and effect of law pursuant to the subdivision ordinance.

(e) Prepare a capital improvement program.

(f) Consult with the State planning director with reference to the general plan and capital improvement program.

(g) Perform such other related duties as may be assigned by the mayor or council.

SECTION 5-3.6. Zoning Board of Appeals.

The zoning board of appeals shall consist of three members who shall be appointed by the mayor with the approval of the council. They shall serve for terms of three years and until their successors have been appointed and qualified. Of the members originally appointed, one shall serve for a term of one year, one for a term of two years and one for a term of three years. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment. The board shall select a chairman from its membership annually. Two members shall constitute a quorum for the transaction of business and the affirmative vote of at least two members shall be necessary to take any action.

SECTION 5-3.7. Powers, Duties and Functions of the Zoning Board of Appeals.

The zoning board of appeals shall:

(a) Hear and determine appeals from the actions of the director in the administration of the subdivision and zoning ordinances and any regulations adopted pursuant thereto. An appeal shall be sustained only if the board finds that the director's action was based on an erroneous finding of a material fact, or that the director had acted in an arbitrary or capricious manner or had manifestly abused his discretion.

(b) Hear and determine petitions for varying the application of the zoning ordinance with respect to a specific parcel of land and may grant such a variance upon the ground of unnecessary hardship if the record shows that (1) by reason of peculiar and unusual circumstances pertaining to the physical characteristics of the property, the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone, (2) the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself, and (3) that the use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance.

Article 4.

Department of Civil Service

SECTION 5-4.1. Organization.

There shall be a department of civil service which shall consist of a director of civil service, a civil service commission and the necessary staff. The director shall be the administrative head of the department.

SECTION 5-4.2. Director of Civil Service.

(a) Appointment and Removal. The director of civil service shall be appointed by the mayor and may be removed only for cause after being given a written statement of the charges against him and a hearing before the council thereon, if he so requests.

(b) Powers, Duties and Functions. The director shall:

1. Be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the personnel program prescribed in the charter and in the ordinances and regulations authorized by the charter.

2. Prepare and recommend to the civil service commission reasonable regulations to carry out applicable provisions of the charter.

SECTION 5-4.3. Civil Service Commission.

(a) Membership, Term and Appointment. The civil service commission shall consist of five members, who shall be in sympathy with and who shall believe in the principles of the merit system in public employment. They shall be appointed by the mayor with the approval of the council for staggered terms of five years. Of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of the term in the same manner as for an original appointment. Not more than three members of the commission shall belong to the same political party. The commission shall select a chairman from its membership annually. The affirmative vote of a majority of the entire membership shall be necessary to take any action.

(b) Powers, Duties and Functions. The civil service commission shall have power and shall be required to:

1. Advise the mayor and the director of civil service on problems concerning personnel administration.
2. Advise and assist the director in fostering the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards.
3. Make any investigation which it may consider desirable concerning personnel administration and report to the mayor, at least once each year, its findings, conclusions and recommendations. The commission may appoint a master and invest him with power to conduct such investigations and report thereon to the commission.
4. Hear appeals. The commission may appoint a master and invest him with power to hear such appeals and report thereon to the commission.
5. Prescribe regulations to carry out applicable provisions of the charter.

CHAPTER 6.

DEPARTMENTS AND HEADS THEREOF UNDER THE DIRECT SUPERVISION OF THE MANAGING DIRECTOR

Article 1.

Department of Public Works

SECTION 6-1.1. Organization.

There shall be a department of public works which shall be headed by a chief engineer who shall be appointed and may be removed by the mayor.

SECTION 6-1.2. Powers, Duties and Functions.

The department shall have charge of and shall administer and superintend the performance of all matters relating to engineering, public construction, road, street, and bridge construction and maintenance, public improvements, refuse collection and disposal, sewer construction and maintenance and all other public works, except repair, operation, maintenance and construction of public buildings, parks and recreation grounds, and public water supplies for the city.

SECTION 6-1.3. Divisions of the Department of Public Works.

The department of public works shall be divided under the chief engineer into the following divisions:

(a) Division of Automotive Equipment Service. The division of automotive equipment service, under the supervision of a superintendent shall:

1. Have charge of the municipal garage and be responsible for the custody, repair and maintenance of all garage, shop and automotive equipment assigned to and used by the department of public works of the city, except such stationary machinery as may more practicably be maintained by the division or department having control thereof.

2. Furnish when needed for the use of other departments of the city, on a rental basis, such vehicular equipment as may be available to it from time to time.

3. Have charge of the municipal corporation yard and any other place for the storing or housing of all such vehicular equipment belonging to the city.

4. By proper methods keep a check upon the use of all vehicular equipment belonging to or under the jurisdiction of the city, including those under the jurisdiction of the department of parks and recreation, and from time to time report all instances of accidents to or apparent abuse of such equipment to the department or division head concerned and to the chief engineer and the mayor.

(b) Division of Land Survey and Acquisition. The division of land survey and acquisition, under the supervision of a director, shall be responsible for surveys, title searching, appraising and negotiation for acquisition of lands and easements for rights of way for street widening and extensions, sewers, water, drainage and other public uses.

(c) Division of Refuse Collection and Disposal. The division of refuse collection and disposal under the supervision of a superintendent, shall be responsible for refuse collection and disposal operations and such other duties as may be assigned by the chief engineer.

(d) Division of Road Maintenance. The division of road maintenance, under the supervision of a director, shall be responsible for the construction and maintenance of roads, streets, highways, footpaths, storm drain facilities and bridges.

(e) Division of Sewers. The division of sewers, under the supervision of a director, shall be responsible for the engineering, construction, maintenance and operation of sewage works, including the pumping of cesspools.

(f) Division of Engineering. The division of engineering, under the supervision of a director, shall be responsible for:

1. Engineering services for public works and improvement district functions other than for sewers.

2. The filing and safekeeping of engineering drawings and maps for the department of public works.

3. Planning and regulating the numbering of all buildings in the city.

4. Reviewing private subdivision plans and inspecting the construction of said subdivisions.

Article 2.

Building Department

SECTION 6-2.1. Organization.

There shall be a building department which shall be headed by a building superintendent, who shall be appointed and may be removed by the mayor.

SECTION 6-2.2. Powers, Duties and Functions.

The building superintendent shall be charged with the supervision, direction and control of:

(a) The construction, repair, maintenance, structural condition and operation of city buildings, structures and grounds.

(b) The administration and enforcement of the Building Code, and all statutes and ordinances relating to the work of the building department.

(c) Inspecting, supervising, regulating and approving the construction, alteration, repair and moving of buildings, structures and certain accessories related thereto, such as electrical, plumbing and gas systems, as are prescribed by the Building Code and other statutes and ordinances related to the work of the building department.

SECTION 6-2.3. Boards of Plumbing Examiners and Electrical Examiners.

The board of plumbing examiners and the board of electrical examiners shall be as provided by §§ 19-3.1 and 17-2.1, R. O. 1957, as amended, respectively, and shall be attached to the building department.

Article 3.

Department of Health

SECTION 6-3.1. Organization.

There shall be a department of health which shall be headed by a city and county physician, who shall be appointed and may be removed by the mayor.

SECTION 6-3.2. Powers, Duties and Functions.

(a) General. The City and County Physician shall:

1. Have charge and control of all functions relating to public health and welfare within the City and County of Honolulu, other than powers, duties and functions of the medical examiner and the state department of health.

2. Administer and enforce all statutes, ordinances, and rules and regulations of any government agency, concurrently with the department of health of the State of Hawaii relating to public health and welfare within the City and County of Honolulu.

3. Be responsible for the management and control of medical units, equipment and services, including the following:

- (1) Emergency receiving stations and ambulance service.
- (2) Maluhia Hospital.
- (3) Indigent medical and hospitalization service.

4. Attend and medically treat any sick or injured prisoner in the Honolulu jail, or when necessary, in any police station in the city.

5. Examine all applicants for employment and all officers and employees of the city pursuant to any applicable ordinance, civil service laws and rules and regulations then in effect.

(b) Care of indigent sick person or medically indigent sick person.

1. It shall be the duty of the City and County physician to investigate all applications submitted by an indigent sick person or a medically indigent sick person for care and medical treatment at the expense of the city, and, in proper cases within his discretion care for and medically treat such person at the expense of the city.

2. The City and County physician may in proper cases, within his discretion or when so directed by the council, issue a permit to any such applicant to enter any hospital or other similar institution designated by him for that purpose.

3. The City and County physician may visit at any time, any hospital or other similar institution in which any such indigent sick person or medically indigent sick person has been placed, for the purpose of ascertaining the condition of such person. When in the opinion of the City and County physician such indigent sick person or medically indigent sick person no longer needs hospital service, he shall forthwith notify such hospital or other similar institution to discharge such patients. The city shall not be liable to any hospital or other similar institution for the expenses of hospital service for such patients after such notice has been given by the City and County physician.

4. The term "indigent sick person" means a sick person without adequate and proper means of subsistence.

5. The term "medically indigent sick person" means a person otherwise able to support himself or herself but who in the emergency of sickness, is not able to care for the extra expenses necessary to maintain or restore health.

SECTION 6-3.3. Dentists. City and County dentists as provided by law shall be under the supervision, direction and control of the City and County physician.

Article 4.

Fire Department

SECTION 6-4.1. Organization.

There shall be a fire department which shall be headed by a fire chief, who shall be appointed and may be removed by the mayor.

SECTION 6-4.2. Powers, Duties and Functions.

The fire chief shall be charged with the prevention of fires and the protection of life and property against fire and shall:

(a) Report Losses. Report all fire losses periodically to the mayor.

(b) Maintain Equipment. Be responsible for the maintenance and care of all property and equipment used by his department.

(c) Training Program. Operate a training program to maintain and improve the fire fighting efficiency of the members of the fire department.

(d) **Fire Prevention Program.** Maintain a fire prevention program for the inspecting of potential fire hazards, the abatement of existing fire hazards, and the conducting of an educational fire prevention program.

(e) **Fire Extinguishers.** Grant, withhold, suspend or revoke certificates of fitness authorizing persons to repair, fill or refill portable fire extinguishers.

SECTION 6-4.3. Deputy Fire Marshal.

The fire chief shall ex officio be deputy fire marshal for the City and County of Honolulu, and shall exercise and perform the powers, duties and functions prescribed by laws of the state and all regulations made in accordance therewith.

Article 5.

Department of Traffic

SECTION 6-5.1. Traffic Engineer.

There shall be a department of traffic which shall be headed by a traffic engineer, who shall be appointed and may be removed by the mayor.

SECTION 6-5.2. Powers, Duties and Functions.

The department of traffic shall:

(a) Approve plans and designs for the construction, reconstruction and widening of public streets, all of which shall be submitted to the department.

(b) Determine the location, and the installation, maintenance and repair of traffic control facilities and devices and street lighting systems.

(c) Be responsible for all traffic engineering for the City and County of Honolulu.

(d) Maintain a traffic education program.

(e) Promulgate regulations having the force and effect of law pursuant to standards established by ordinance and perform such other duties not inconsistent with the functions of the department as may be assigned by the mayor.

(f) Install, maintain and repair the civil defense siren warning system and the fire alarm and police communication systems, other than radio.

(g) Be authorized to issue permits for the movement of vehicles, equipment or other objects of excessive weight, width or height as prescribed by law.

(h) Be responsible for the collection of revenue from on- and off-street parking meters, and for the construction and maintenance of multi-deck parking lots.

Article 6.

Department of Parks and Recreation

SECTION 6-6.1. Organization.

There shall be a department of parks and recreation consisting of a director who shall be the head of the department, and a board of nine members. The director shall be appointed and may be removed by the mayor.

SECTION 6-6.2. Powers, Duties and Functions of the Director.

The department shall:

(a) Plan, design, construct, maintain, and operate all parks and recreational grounds, facilities and programs of the city.

(b) Plant, trim and maintain all shade trees, hedges and shrubs on public streets of the city.

SECTION 6-6.3. Board of Parks and Recreation.

Members of the board of department of parks and recreation shall be appointed by the mayor with the approval of the council and shall serve for four years.

(a) Chairman. One of the members so appointed shall be designated by the mayor as chairman of the board.

(b) Quorum. Five members of the board shall constitute a quorum for the transaction of business and the affirmative vote of at least five members shall be necessary to take any action.

SECTION 6-6.4. Powers, Duties and Functions of the Board of Parks and Recreation.

(a) Advise the mayor, the council and the director of parks and recreation on matters concerning parks and recreation.

(b) Recommend to the director of parks and recreation annually a schedule of improvements to be undertaken in each of the succeeding years for the location, extension, and development of parks and recreational areas, which schedule shall be given due consideration by the director in formulating his portion of the proposed capital program of the city.

(c) Perform such other related advisory duties as may be assigned to the board by the mayor or council.

Article 7.

Prosecuting Attorney

SECTION 6-7.1. Appointment and Removal.

There shall be a prosecuting attorney who shall be appointed by the mayor. He may be removed by the mayor only after being given a written statement of the charges against him.

SECTION 6-7.2. Powers, Duties and Functions.

The prosecuting attorney shall:

(a) Attend all courts in the city and conduct on behalf of the people all prosecutions therein for offenses against the laws of the state and the ordinances and regulations of the city.

(b) Prosecute offenses against the laws of the state under the authority of the attorney general of the state.

(c) Appear in every criminal case where there is a change of venue from the courts in the city and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the city.

(d) Institute proceedings or direct the chief of police to do so before the district magistrate for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district magistrates, either in person or by a deputy, or by such other prosecuting officer as he shall designate; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before district magistrates or courts of record under the direction of the prosecuting attorney.

SECTION 6-7.3. Investigators.

(a) The prosecuting attorney may appoint investigators who shall have all the powers and privileges of a police officer of the city.

(b) At the request of the prosecuting attorney one or more officers of the police department shall be detailed by the chief of police for the purpose of doing necessary investigative work and who shall continue to serve on such detail during the pleasure of the prosecuting attorney and as long as the necessity of such detail exists.

SECTION 6-7.4. Assistants.

The prosecuting attorney may appoint deputies and such other legal assistants, clerks, stenographers, interpreters and other assistants, as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the council.

Article 8.

Police Department

SECTION 6-8.1. Organization.

The organization of the police department shall be as provided by law.

SECTION 6-8.2. Police Commission.

The composition of the police commission and the appointment, removal, qualifications and terms of office of the members shall be as provided by law.

SECTION 6-8.3. Departmental Rules.

The police commission shall adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law. Except for purposes of inquiry, however, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

SECTION 6-8.4. Appointment and Removal of the Chief of Police.

The chief of police shall be appointed as provided by law but may be removed only after being given a written statement of the charges against him.

SECTION 6-8.5. Powers, Duties and Functions of the Chief of Police.

The chief of police shall:

(a) Be responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders against the law, protection of the rights of persons and property, and enforcement and prevention of violations of all laws of the State and city ordinances and all regulations made in accordance therewith.

(b) Train, equip, maintain and supervise the force of police officers pursuant to the rules of the police commission.

(c) Take charge of and keep the city jail and all prisoners committed thereto.

(d) Serve process and notices both in civil and criminal proceedings.

(e) Have such other duties, except the functions of the coroner, as heretofore performed by the city and county sheriff and other related duties as may be assigned.

SECTION 6-8.6. Powers effective when.

The powers of the chief of police set forth herein shall become effective upon approval of this ordinance, except, however, those powers enumerated in § 6-8.5 (c) and (e), herein, which shall take effect on January 1, 1961.

CHAPTER 7.

**OTHER AGENCIES AND MISCELLANEOUS PERSONNEL
UNDER THE DIRECT SUPERVISION OF THE
MANAGING DIRECTOR UNLESS EXPRESSLY EXCEPTED THEREFROM**

Article 1.

Royal Hawaiian Band

SECTION 7-1.1. Organization.

(a) There shall be a city and county band, to be known as the "Royal Hawaiian Band", which shall be headed by a bandmaster.

(b) The "Royal Hawaiian Band" shall be attached to the Office of the Mayor. The mayor may direct the band to render its services on any occasion.

SECTION 7-1.2. Bandmaster.

(a) The bandmaster shall be a musician of recognized standing and ability. He shall be appointed and may be removed by the mayor, and his salary shall be fixed by the council upon the recommendation of the mayor.

(b) The term of office of the bandmaster shall be coterminous with that of the mayor.

SECTION 7-1.3. Powers, Duties and Functions.

The bandmaster shall:

(a) Be charged with the supervision, direction and control of the Royal Hawaiian Band.

(b) Keep a permanent and accurate inventory of the musical instruments and other related equipment and fixtures assigned to or used by the band.

(c) Keep an accurate account of all fees and other moneys collected and received, and names of the persons upon whose account the same were paid, the date and amount thereof.

Article 2.

Oahu Civil Defense Agency

SECTION 7-2.1. There shall be an Oahu Civil Defense Agency as provided by law. It shall exercise and perform its functions, powers and duties as provided by law. The mayor shall exercise supervision over the Oahu Civil Defense Agency to the extent that such supervision is not inconsistent with the laws applicable to such agency.

Article 3.

Other Agencies

SECTION 7-3.1. General Provisions.

Except as may be otherwise expressly provided, the following agencies and miscellaneous personnel shall be under the supervision of the Managing Director to the extent that such supervision is not inconsistent with the laws applicable to such agencies and personnel.

(a) Board of Water Supply. There shall be a department of water, to be known as the "Board of Water Supply" as created and established by the charter, provided, however, none of the provisions of this code shall apply to the Board of Water Supply.

(b) Honolulu Redevelopment Agency. There shall be a Honolulu Redevelopment Agency as created and established by law.

(c) Medical Examiner.

1. Appointment and Removal. There shall be a medical examiner who shall be appointed by the mayor and who may be removed only for cause after being given a written statement of the charges against him and a hearing before the council thereon, if he so requests.

2. Powers, Duties and Functions. The medical examiner shall perform the duties imposed upon and have the power vested in the coroner and the coroner's physician of the city by law, where not in conflict with the provisions of the charter.

3. Office Always Open. The office of the medical examiner shall be kept open every day in the year, including Sundays and legal holidays.

4. Notification of Death. When any person dies in the city as a result of violence, or by a casualty or by apparent suicide, or suddenly when in apparent health, or when not under the care of a physician, or when in jail or in prison, or within twenty-four hours after admission to a hospital or in any suspicious or unusual manner, it shall be the duty of the person having knowledge of such death immediately to notify the office of the medical examiner and the police department.

5. Investigations by the Medical Examiner. Immediately upon receipt of such notification the medical examiner shall go to the body and take charge of it and shall make a full investigation concerning the medical cause of death. He shall also take possession of all property of value found upon such person, make an exact inventory and surrender the property, except such items as are necessary to determine

the cause of death, to the chief of police. All property, when no longer needed for medical or police purposes, shall be returned to the person entitled to its custody or possession. No person shall move the corpse or remains of any deceased person appearing to have come to death under any of the circumstances set forth in this chapter without the prior approval of the medical examiner and the chief of police.

6. Autopsies. If, in the opinion of either the medical examiner or the prosecuting attorney, an autopsy is necessary, the autopsy shall be performed by the medical examiner. A detailed description of the findings of such autopsy and the conclusions drawn therefrom shall be filed in the office of the medical examiner.

7. Records. The medical examiner shall keep full and complete records of all deaths resulting under the circumstances set forth in this section and promptly deliver to the prosecuting attorney and the chief of police copies of all such records.

8. Oaths. The medical examiner and any deputy medical examiner may administer oaths and affirmations, take affidavits and make examinations as to any matter within the jurisdiction of the office, but may not summon a jury of inquisition.

9. Powers Effective When. The powers of the medical examiner set forth herein shall become effective on January 1, 1961.

(d) Office of the Urban Renewal Coordinator

1. Organization. There shall be an Office of Urban Renewal Coordinator which shall be headed by an Urban Renewal Coordinator.

2. Appointment, Term, Removal. The urban renewal coordinator shall be appointed by the mayor, with the approval of the council, for a term of four years and shall be removed only for cause by the mayor, with the approval of the council, after a hearing at which he shall be afforded a reasonable opportunity to be heard.

3. Function. The office of urban renewal coordinator shall coordinate every aspect of any urban redevelopment and renewal program in accordance with the provisions set forth in Chapter 143, Revised Laws of Hawaii 1955, as amended; Resolution No. 73 (1955) of the City and County of Honolulu, which is by reference incorporated herein and made a part hereof; and any laws of the United States relative to urban redevelopment and renewal.

4. Powers and Duties. In addition to the powers and duties provided in § 143-59, RLH 1955, as amended:

(a) General. The coordinator shall be charged with the supervision, direction and control of the office of the urban renewal coordinator and exercise and perform such other powers, duties and functions as may be prescribed from time to time by the mayor and council.

(b) Acting Coordinator. The coordinator may appoint a first deputy, who shall serve as acting coordinator during the coordinator's illness, incapacity or temporary absence from the city, or whenever the position of the coordinator becomes vacant for any reason whatsoever, and, as acting coordinator, he shall have and exercise all the powers, duties and functions of the coordinator; provided, however, that he shall serve as acting coordinator without additional compensation. If there is no duly appointed first deputy, the mayor may appoint any officer or employee in the urban renewal office to serve as acting coordinator.

(e) Rent Control Commission.

There shall be a Rent Control Commission of five members who shall be appointed by the mayor, with the approval of the council, for a term of office coterminous with the term of the mayor. Any vacancy shall be filled in the same manner. The mayor shall name one of the members to act as chairman of the commission. A majority of all the members of the commission shall constitute a quorum.

The commission shall appoint a director, who shall act as executive secretary for the commission and who shall perform the duties and exercise the powers granted him by ordinance. The director shall have the power to appoint and employ such deputies, clerks, stenographers and other assistants as may be required and for which appropriations shall be made by the council.

Members of the commission shall receive no compensation for their services.

Nothing contained in this section shall affect the existence, powers, duties and functions of the rent control commission as presently constituted.

(f) Oahu Committee on Children and Youth.

There shall be an Oahu Committee on Children and Youth as provided by law.

(g) Poundmasters.

1. Appointment. The mayor, with the approval of the council shall appoint suitable persons as poundmasters for the City and County of Honolulu, who shall hold office for two years and until their successors are appointed and whose compensation shall be as hereinafter provided.

2. The mayor may appoint an acting poundmaster to serve during the period in which any regular poundmaster is temporarily absent from the City and County of Honolulu, ill or otherwise unable temporarily to perform his duties as poundmaster. Such acting poundmaster shall have the same powers and duties as the regular poundmaster.

3. Duties; Compensation. Each poundmaster shall be responsible for the safekeeping and proper care of any estray committed to his charge and shall receive for his services from the owner of such estray the sum of three dollars for each day that such estray is impounded. He shall give the estrays a sufficient quantity of food and water, and any poundmaster who shall abuse or neglect any estray in his charge, shall forfeit the pound fees to which he would otherwise have been entitled and shall also be liable to the owner thereof for damages.

(h) District Court Personnel.

The compensation of district court personnel shall be as provided by law.

(i) Public School Custodial Service Personnel.

The public school custodial service personnel shall be as provided by law.

Chapter 8.

Article 1.

SECTION 8-1.1. Bonds of Officers.

(a) Bonds required of each officer and appointed deputy. Before entering upon the duties of his office, each city and county officer and each appointed deputy shall give a bond to the city and county conditioned for the faithful performance of the duties of his office. The bond of each city and county officer shall be in the amount in this chapter provided.

(b) Amount of bonds. The amount of bonds of each of the following city and county officers shall be: Members of the council, clerk, corporation counsel, prosecuting attorney and deputy sheriff, \$5,000; mayor, chief engineer, department of public works and sheriff, \$10,000; auditor, treasurer and finance director, \$25,000. The council may require, and fix the amount of, bond of other officers, deputies and employees.

(c) Additional bonds. The mayor, with the approval of the council, may require and exact additional bond or security above and beyond that required herein, upon like condition and subject to like determination as to the sufficiency of such additional bond or increased security; provided, that no more than double the amount of security hereby required of any officer shall be exacted, with the exception of the treasurer and the finance director.

(d) Liability of officers, deputies, assistants, clerks, or employees on bonds. If any bonded city and county officer or employee refuses or neglects to account for and pay over all moneys received by him by virtue of his office or employment, he shall be liable for such refusal or neglect upon his official bond, and the finance director shall bring an action against him for the recovery thereof, in the name of the city and county, and recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. No order of the council shall be necessary to bring such action. The finance director's reasonable expenses, including an attorney's fee if necessarily incurred, shall be a city and county charge.

(e) Liability for unauthorized demands. Every officer who approves, allows or pays any demand on the treasury not authorized by law shall be liable to the city and county individually and on his official bond for the amount of the demands so illegally approved, allowed or paid.

Chapter 9.

Article 1.

Transitional Provisions

SECTION 9-1.1. Transfer of Records, Property and Personnel.

Effective January 1, 1961, all personnel, records, and property, not otherwise excepted by this Code or by the Charter, of the following offices shall be transferred from former organization units and vested in the new organization units by this Code, as follows:

Transferred From:

(Old organization)

Treasurer
Auditor
Sheriff -- all duties and functions
of the Sheriff except the duties
and functions of the coroner
Sheriff - coroner's unit

To:

(New organization)

Finance Department
Finance Department
Police Department
Medical Examiner

SECTION 9-1.2. Clerk.

Effective January 1, 1961, all personnel, records, and property, not otherwise excepted by this Code or by the Charter, of the presently constituted office of the clerk for the City and County of Honolulu, shall be transferred to the appointed clerk's office as provided for by the Charter; provided, however, the duty of the clerk to act as ex-officio secretary of the board of trustees of the pension fund for policemen, firemen and bandmen and of the pension board of the City and County of Honolulu shall be transferred to the director of finance.

SECTION 9-1.3. Status of Present Employees.

(a) No loss of vacation allowance, service credits or other rights and privileges on the part of any officer or employee in the civil service shall be caused by the adoption of this code, but nothing contained herein shall be construed to prevent future changes in status pursuant to the civil service provisions of the Charter.

(b) Each person holding such office or employment, insofar as possible, shall be transferred to and employed within the department or agency to which the function, powers and duties in which he was formerly employed are transferred and vested by or pursuant to this Code.

SECTION 9-1.4. Severability; Effect of partial invalidity.

If any section or part of this ordinance should be declared invalid by the judgment of any court of competent jurisdiction, such section or part shall be deemed to be severable from the remainder of the ordinance which shall not be affected by any such judgment.

SECTION 9-1.5. Inconsistent ordinances repealed.

All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 9-1.6. Effective Date. The provisions of this ordinance shall take effect upon its approval unless expressly provided otherwise.

INTRODUCED BY:

(S) MATSUO TAKABUKI
(S) MASATO DOI
(S) HERMAN G. P. LEMKE
(S) CLESSON Y. CHIKASUYE
(S) NOBLE K. KAUHANE
Councilmen

DATE OF INTRODUCTION:

December 16, 1959
Honolulu, Hawaii

APPROVED AS TO FORM:

(S) HIROSHI OSHIRO
Deputy Corporation Counsel

Approved this 31st day of December, 1959

(S) NEAL S. BLAISDELL
NEAL S. BLAISDELL, Mayor
City and County of Honolulu

(S.B.: 1-8-60)

KFX1512

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1959

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Honolulu. Ordinances, etc.

An ordinance establishing an administrative code; dividing the executive branch of the city and county of Honolulu into agencies under the mayor; prescribing administrative policy and procedure; and prescribing the function and duties of administrative units and officials of the government. [Honolulu, Dec. 1954]

28 l. (Ordinance no. 1781, Bill no. 112, 1959)

Copy 3: 24 p.

1. Municipal government--Honolulu. I. Title: Administrative code of the city and county of Honolulu.